

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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BCBSM, Inc., d/b/a Blue Cross and Blue  
Shield of Minnesota,

Case No. 22-cv-513 (ECT/DJF)

Plaintiff,

v.

**ORDER ON JOINT MOTION  
REGARDING CONTINUED SEALING**

GS Labs, LLC,

Defendant.

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This matter is before the Court on the parties' Joint Motion Regarding Continued Sealing of Documents Pursuant to Local Rule 5.6 ("Joint Motion") (ECF No. 51). BCBSM, Inc. ("BCBSM") filed the standard anti-assignment and administrative appeals language BCBSM utilizes across BCBSM's self-insured plans under temporary seal at Exhibit F to the Declaration of Geoffrey H. Kozen ("Exhibit F") (ECF No. 39) in support of its Motion to Dismiss GS Labs, LLC's (GS Labs) counterclaims (ECF No. 35). BCBSM argues in the Joint Motion that the Court should continue sealing Exhibit F because it "contains confidential and proprietary business information concerning the terms and operations of Plaintiff's self-insured plans." (ECF No. 51.) GS Labs does not oppose continued sealing of Exhibit F at this time.

A court will seal documents in a civil case "only as provided by statute or rule, or with leave of court." L.R. 5.6(a)(1). "There is a common-law right of access to judicial records." *IDT Corp. v. eBay*, 709 F.3d 1220, 1222–23 (8th Cir. 2013) (citing *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978)). Notwithstanding, the right of access is not absolute and requires the Court to balance the competing interests of public access against the parties' legitimate interests in maintaining the confidentiality of the information sought to be sealed. *Id.* at 1123.

Because the Court accepts BCBSM's contention that Exhibit F contains confidential and proprietary information, it appears that targeted redactions are not feasible in this instance, and GS Labs does not currently oppose continued sealing, the Court finds that the need for confidentiality outweighs the public's interest in accessing the information at this time. Accordingly, Exhibit F shall remain under seal.

**ORDER**

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT** the parties' Joint Motion Regarding Continued Sealing of Documents Pursuant to Local Rule 5.6 (ECF No. [51]) is **GRANTED** and the Court directs the Clerk to keep Exhibit F to the Declaration of Geoffrey H. Kozen (ECF No. [39]) sealed.

Dated: November 17, 2022

*s/ Dulce J. Foster*

Dulce J. Foster

United States Magistrate Judge